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5 **UNITED STATES BANKRUPTCY COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **Sacramento Division**

8 In re:

9 **BRYAN RODGERS**
10 **JESSICA RODGERS**

11 Case No. 10-40114-B-7

Chapter 7

Mtn Ctrl No. JAT-1

Date: September 14, 2010

Time: 9:32 a.m.

Judge: Thomas C. Holman

Ctrm: 32

Dept: B

12 **MOTION TO COMPEL TRUSTEE TO ABANDON BUSINESS**

13
14 Bryan and Jessica Rodgers, debtors herein, moves this
15 court for an order compelling the Trustee, Geoffrey Richards, to
16 abandon the business operated by the debtor, know as Bryan Rodgers
17 Graphic Design, located at: 6504 Graylock Lane, North Highlands, CA.
18 The business is the debtor's sole source of income and has no
19 non-exempt assets. The debtors do not own tools of the trade,
20 equipment, accounts receivable or inventory.
21 The business asset in this case consist of computer and software.

22 As shown in Schedules B and C of the Petition the
23 debtors have included, and exempted the computer and software.

24 The debtors assert that there does not appear to be
25 any business equipment or inventory that can be profitably liquidated
26 by the Trustee over and above (a) the liens, if any, in Schedules
27 B and C attaching to the business-related assets and (b) the

1 exemptions, if any in Schedule C claimed by the debtor.

2 The Debtors are aware that, under the provisions of
3 Title 11, U.S. Codes §721, the Trustee has the authority to operate
4 the debtor's business; and then, only with an order of the Court.
5 Otherwise, the Trustee is obliged to shut down the business or abandon
6 the estate's interest in the business.

7 However, the Debtors assert that, based on the lack
8 of any un-exempt equity in any business-related asset, equipment or
9 inventory, there is no benefit to the estate to either operating or
10 shutting down this business.

11 Federal Rule of Bankruptcy Proceeding 6007(b)
12 permits a party in interest, including the Debtors, to file a motion
13 seeking to compel the Trustee to abandon property of the estate.

14 **WHEREFORE**, the Debtors move this Court to issue an
15 Order Compelling the Trustee to Abandon the Estate's Interest in the
16 Debtor's Business, Bryan Rodgers Graphic Design.

17 I, John A. Tosney, hereby certifies under penalty of
18 perjury that I have read the foregoing Motion for Order Compelling
19 Abandonment of the Estate's Interest in Debtor's Business. I
20 further certify that the contents thereof are true and correct to
21 the best of my knowledge, and belief.

22 Dated:

23 8/16/10

24 _____
25 *JS*
26 JOHN A. TOSNEY,
27 Attorney for Debtors